

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

AUGUST 21, 1987

MEMORANDUM

SUBJECT: Listing Municipal Landfills on the NRL

FROM: Henry L. Longest II, Director
Office of Emergency and Remedial Response

TO: Director, Waste Management Division
Region I, IV, V, VII, and VIII
Director, Emergency and Remedial Response Division
Region II
Director, Hazardous Waste Management Division
Region III and VI
Director, Toxics and Waste Management Division
Region IX
Director, Hazardous Waste Division
Region X

This memo is a follow-up to my October 24, 1986, memo (see attached) regarding listing municipal landfills on the National Priorities List (NPL). In that memo, I deferred listing municipal landfills on Update #6 that did not have a clear record of accepting hazardous waste. I believe it is important to understand the intent of that memo and clarify procedures for submission of municipal landfills in the next proposed update.

At the time I issued the October 1986 memo, it appeared that municipal landfills were being submitted by the Regions in increasing numbers. I wanted to ensure that these municipal landfill sites were appropriate for Superfund remedial action. Therefore, as a management tool, I required a clear record of hazardous waste disposal for sites to be considered eligible for the Update #6 proposed rulemaking.

As you are aware, at the time I issued the October 1986 memo, the Agency had recently promulgated the RCRA Subtitle C deferred NPL listing policy (51 FR 21054). The Office of Solid Waste (OSW) will soon propose revisions to the Subtitle D criteria for Classification of Solid Waste Disposal Facilities and Practices set forth in 40 CFR Part 258. This rule will propose specific requirements for new and existing municipal solid waste landfills, including

ground water monitoring and corrective action for these facilities. Municipal solid waste landfills that close prior to the effective date of the rule are proposed to be excluded from the rule. I viewed the RCRA Subtitle D authority for municipal landfills as a possible corollary to the RCRA Subtitle C deferred NPL listing policy.

It was our experience with Update #6 that the Regions had difficulty documenting hazardous waste disposal at several landfills even though there may have been an indication that hazardous substances were being released from the landfill. It was not my intention in the October 1986 memo to defer from placement on the NPL a serious environment threat, e.g., a municipal landfill with documented release of hazardous waste or indication of the presence of hazardous waste. Rather my intention was to ensure that the Superfund program concentrate on those sites that cannot be addressed sufficiently through another authority.

I continue to believe it is important to ensure that the Superfund program focuses on the cleanup of hazardous waste sites that cannot be addressed sufficiently by another authority. At the same time, however, I will not place restrictions that impede the listing of serious public health or environmental threats. Therefore, you may submit municipal landfills that score above 28.50 for listing on the NPL without a record of hazardous waste disposal. I request, however, that you submit a cover letter with each municipal landfill HRS package. This letter should discuss the site's history to indicate the types of materials disposed at the site, any monitoring data indicating a release from the site, and an assessment of the environmental and public health risks at the site based on information contained in the preliminary assessment, site inspection, and HRS package. I believe this approach will help us make a better environmental management decision at municipal landfill sites.

We will closely follow the Subtitle D rule and will develop an appropriate policy for municipal landfills prior to scoring sites under the revised HRS.